

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM
Section 3: Rio Cebolla

Subfile No. CHCB-002-0009

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendants:

**CHARLIE CHACON
GERALDA M. CHACON**

concerning the Defendants' right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendants are in agreement concerning certain elements of Defendants' right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of the Defendants' water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendants adjudicated by this order.

4. The rights of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, are set forth below:

A. Pond (Surface Water Only):

Office of the State Engineer File No. NONE

Priority: 1923

Source of Water: Unnamed arroyo and surface waters of the Rito del Medio, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch Name: ALFALFITA DITCH

Location X: 1,577,714 feet **Y:** 2,021,173 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Township 27N, Range 04E, Section 24, N.M.P.M.

Pt. SW¼

0.1

Total 0.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCB-002-0009.

Pond Depth: 3.0 feet

Pond Volume: 0.18 acre-feet

B. NO RIGHT

Office of the State Engineer File No. NONE

Priority: NONE

Source of Water: Surface waters of the Rito del Medio, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: ALFALFITA DITCH

Location X: 1,577,714 feet **Y:** 2,021,173 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Township 27N, Range 04E, Section 24, N.M.P.M.

Pt. SE $\frac{1}{4}$

3.8

Total 3.8 acres


As shown on the attached revised Hydrographic Survey Map for Subfile No.
CHCB-002-0009.

Amount of Water: NONE

5. Defendants have no surface water rights in the Rio Chama Stream system, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendants, their successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendants, their successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

ACCEPTED:



Charlie Chacon

ADDRESS: 1007 A S Prince Dr # 8
Espanola, N. Mex 87532


DATE: 2/6/17



Gerald M. Chacon

ADDRESS: 1007 A S. Prince Dr
Espanola, NM 87532

DATE: Feb. 6, 2017



TED J. TRUJILLO

Attorney for Charlie and GERALDA M. Chacon

Law Offices of Ted J. Trujillo

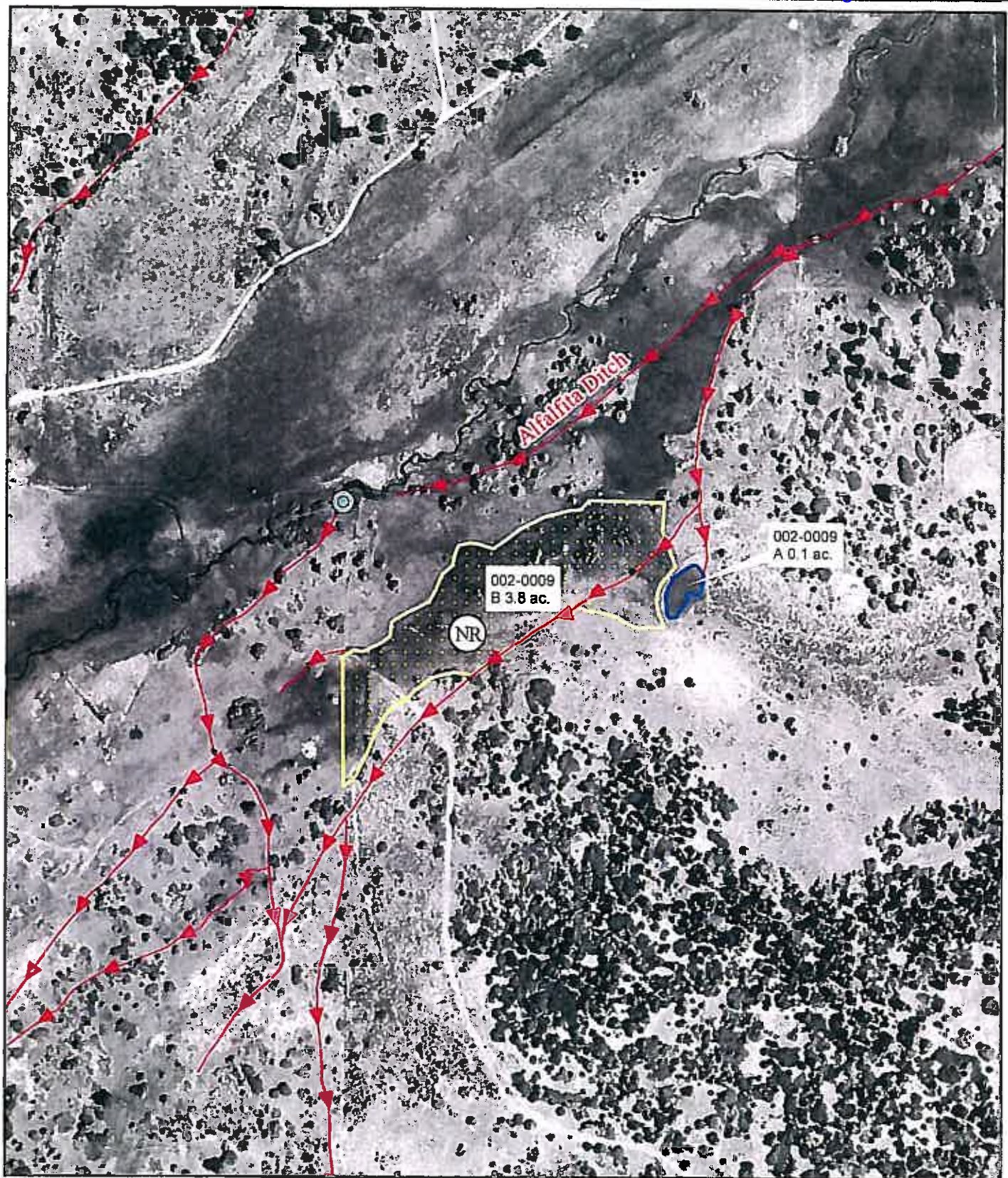
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A handwritten signature in black ink, appearing to read "ED NEWVILLE", is written over a horizontal line.

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 615-6402 telephone



LEGEND

- | | |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Operable Ditch |
| No Right Tract Boundary | Inoperable Ditch |
| Seeped Area | Point of Diversion |
| Stock Ponds / Reservoir | No Right |



1 inch = 300 feet
 0 50 100 200 300
 Feet

STATE OF NEW MEXICO
 Office of the State Engineer
 Tom Blaine, P.E.,
 State Engineer

Rio Chama Hydrographic Survey
 Rio Cebolla Section

Subfile Number
CHCB 002-0009
 Alfalfa Ditch
 AMENDED
 January 31, 2017

